



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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सं० 9] नई दिल्ली, शुक्रवार, मार्च 11, 2016/फाल्गुन 21, 1937 (शक)  
No. 9] NEW DELHI, FRIDAY, MARCH 11, 2016/PHALGUNA 21, 1937 (SAKA)

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## RAJYA SABHA

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The following Bills were introduced in the Rajya Sabha on the 11th March, 2016:—

### I

#### BILL No. IV OF 2016

*A Bill to provide for setting up of an authority for rehabilitation and welfare of persons living around railway tracks and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short title,  
extent and  
commencement.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "around railway tracks" means the land area extending up to thirty meters on both sides of the railway tracks;

(b) "authority" means the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks set up under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

Setting up of  
National  
Authority for  
Rehabilitation  
and Welfare  
of Persons  
Living around  
Railway  
Tracks.

**3.** (1) The Central Government shall set up an authority to be known as the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks.

(2) The authority shall consist of,—

(a) the Union Minister of Railways, who shall be its Chairperson, ex-officio;

(b) twenty nine members representing each of the States to be nominated by the Central Government in consultation with the concerned State Governments;

(3) The salary and allowances payable to, and other terms and conditions of service of members of the authority shall be such as may be prescribed by the Central Government.

(4) The headquarters of the authority shall be at New Delhi.

(5) The authority shall establish its offices in every State and Union territory as and when required.

(6) The Central Government shall provide such number of officers and other employees to the authority, as it thinks fit, for the purposes of this Act.

(7) The qualifications and experience, and other terms and conditions of service of officers and employees of the authority shall be such as may be prescribed.

Functions of  
the Authority.

**4.** (1) The authority shall formulate a policy to provide such measures as it may deem fit for the rehabilitation and welfare of persons living around railway tracks.

(2) The authority shall provide to the persons living around railway tracks the following facilities, free of cost, namely:—

(i) dwelling units at alternate sites;

(ii) free educational facilities to the dependent children; and

(iii) drinking water and sanitation facilities.

Central  
Government to  
provide funds.

**5.** The Central Government shall, after due appropriation made by Parliament in this behalf by law, provide requisite funds for carrying out the purposes of this Act.

Overriding  
effect of the  
Act.

**6.** Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to  
remove  
difficulties.

**7.** if any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to  
make rules.

**8.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions

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aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Several persons come to big cities in search of livelihood as scant opportunities exist in their villages. They stay back in the big cities and most of them live around the railway tracks as they do not have the means to afford the expenses of big cities and they also have a burden on their shoulders to send some money out of their earnings to their families back home. In such a scenario, they are forced to live in sub-human conditions. They do not have toilets and are forced to defecate in the open in all types of weather *i.e.* scorching heat or rain. They do not have access to drinking water and have to travel long to fetch water for daily needs. Their children do not get to study. There are no healthcare facilities available to them also. Since ours is a welfare state, it is the duty of the Government to take care of its citizens who are not in a position to take care of themselves. This is high time to address this important issue as these poor people are essential part of our society.

Hence this Bill.

MANSUKH L. MANDAVIYA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the National Authority for the rehabilitation and welfare of persons living around railway tracks. It further provides for salary and allowances payable to the members of the National Authority. Clause 4 provides for certain welfare measures to the people living around railway tracks. Clause 5 provides for payment of funds to the Authority by the Central Government.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two thousand crore will be involved. A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## II

### BILL NO. VI OF 2016

*A Bill to provide for the teaching of Sanskrit as a compulsory language in schools.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

**1.** (1) This Act may be called the Teaching of Sanskrit as a compulsory language in Schools Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

Teaching of  
Sanskrit as a  
compulsory  
language in  
schools.

**2.** It shall be compulsory for every school to teach Sanskrit language as a compulsory subject up to class eight.

Expenditure  
to be shared  
by Central  
and State  
Governments.

**3.** The Central and the State Governments shall equally share the expenditure likely to be incurred on the implementation of the provisions of this Act.

Power to  
make rules.

**4.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS

Sanskrit has been the language of India's soul. It is also said to be the Mother of all languages. Our *Rishi Munis* called it "*Devabhasha*" or the Language of the Gods. No one can truly understand and appreciate the spirit of Indian culture, if he does not know the Sanskrit language since all the major ancient texts are written in this language. Sri Aurobindo, while speaking of the importance of the Sanskrit language for India, says: "It is of the utmost value to a nation, a human group-soul to preserve its language and make it a strong and living cultural instrument. A nation, race or people which lose its language cannot live its whole life or real life".

Jawaharlal Nehru has also said "The past has gone and the present is with us and we work for the future. But I have no doubt that whatever the shape the future may take, one of the biggest, the strongest, and the most powerful and the most valued of our legacies, will be the Sanskrit language." Sanskrit is the only language which was spoken all over India in the past and it is the only language which can still unify the country.

The versatile literary creations in the Sanskrit language have evoked a deep sense of awe and wonder among scholars of the world. All the profound spiritual wisdom of India embodied in our ancient scriptures like *Vedas*, *Upanishadas*, *Bhagwad Gita*, *Puranas* and *Shastras* are expressed in the Sanskrit language. No wonder great Indian sages like Sri Aurobindo and Swami Vivekananda viewed Sanskrit language as the most perfect medium for expressing spiritual and philosophical ideas. But interestingly, even some of the modern scientists in the high-tech field of computers; have discovered that Sanskrit is the best language for the latest generation of Artificial Intelligence machine-systems. But the people of India are turning away from this treasure house of our ancient Indian culture and do not realize its value.

It is highly deplorable that such a language which has a vast literature is being neglected in its own country. It is high time now to make sincere efforts to increase awareness in the younger generation about the importance of Sanskrit. Teaching of Sanskrit as a compulsory language in Schools will enable the younger generation to enrich their personality and the noble traditions and thoughts of Indians and make better citizens.

Hence this Bill.

MANSUKH L. MANDAVIYA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the total expenditure incurred on teaching of Sanskrit as a compulsory language in every school shall be borne equally by the Central and State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Although, the exact amount of expenditure cannot be estimated, a recurring expenditure of twenty crore rupees per annum is likely to be involved.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.



### III

#### BILL NO. III OF 2016

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title,  
and com-  
mencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 72 of the Constitution, in clause (1), the following provisos shall be inserted, namely:—

Amendment  
of article 72.

“Provided that the President shall exercise the powers granted under this article within a period of six months after the petition to grant pardons etc. is presented to him:

Provided further that in the case of non-exercise of powers by the President within the period of six months, the judgment of the court in respect of the petitioner shall be enforced immediately.”

## STATEMENT OF OBJECTS AND REASONS

India is one of the largest democracies in the world. It achieved freedom in 1947 from the British rule after a prolonged struggle and sacrifice of sons of the soil. Constitution of India was drafted keeping in view the welfare of the citizens. Though the utmost care was taken while drafting the Constitution, over the years there have been occasions when need arose for amending the Constitution to keep pace with the changing scenario in the country.

One such case is the powers conferred upon the President under article 72 of the Constitution which empowers the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence. Though, the President has been bestowed with absolute powers in this regard, no time limit has been fixed for the President within which such power has to be exercised. As a result, the mercy petitions made before the President keep piling for long period without any decision. As a fall out of this, the convicts are to be kept guarded in jails and heavy expenditure is incurred upon them which is tax payers money and a drain on national exchequer. In the present situation, attempts are being made both externally and internally to hurt the harmony and vibrancy of our civil society and we are continuously facing probable terrorist attack. It is high time to curb anti-national activities and for that, if death penalty is awarded to a person by any court after considering the circumstances which led them to reach such a decision based upon the gravity of the crime and such person files mercy petition before the President of India, the President should take decision on such mercy petition within six months in order to send a strong signal among antinationals.

Hence this Bill.

MANSUKH L. MANDAVIYA

#### IV

#### BILL NO. I OF 2016

*A Bill to provide for a comprehensive policy for the overall development of the youths in the country and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Youth (Development and Welfare) Act, 2016.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “youth” means all persons aged between eighteen to thirty-five years; and

(c) “youth organisation” means an organisation of youth that provides for universal membership to youths without any discrimination on the basis of race, caste, religion, language, creed or sex and its constitution provides for a democratic functioning in the concerned States and Union Territories, as the case may be; and

(d) “prescribed” means prescribed by rules made under this Act.

Formulation of comprehensive policies for youths.

**3. (I)** The appropriate Government shall formulate comprehensive policy for the development and welfare of youths, which shall inter-alia provide for:—

- (a) compulsory and free education including technical education;
- (b) books, stationery, uniform etc., free of cost;
- (c) free hostel facilities;
- (d) scholarship to meritorious students;
- (e) free transport facilities;
- (f) pocket allowance, as may be prescribed;
- (g) recreation facilities free of cost;
- (h) free access to all libraries;
- (i) training in sports to every eligible youth and facilities to participate in sports activities;
- (j) representation of youth organisations in sports associations; and
- (k) such other facilities, as may be prescribed, for the overall welfare of these youths, who have represented the country in sports.

Free nutritious meals, medical and health care facilities.

**4.** The appropriate Government shall provide,—

- (i) free nutritious meals to all students in schools, colleges, universities, hostels and technical institutions; and
- (ii) free medical and health care facilities to youths.

Appointment of Expert Committee.

**5. (I)** The appropriate Government shall appoint an expert committee consisting of eminent educationists, psychologists and such other members as may be prescribed in every district.

(2) Expert committee shall recommend such education or vocational training to be imparted to the youths of the districts after qualifying the tenth class examination, as may be prescribed.

Appropriate Government to provide employment or unemployment allowance to youths.

**6.** The appropriate Government shall provide,—

- (a) employment to the youth after completion of their education or training;
- or
- (b) unemployment allowance at such rate, as may be prescribed, till they are provided with gainful employment.

Power to make rules.

**7. (I)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Even after more than six decades of Independence, the country has yet to evolve a clear-cut policy for the overall welfare of youths of the country. The education should be the right of every youth and not a privilege of a few and employment should be guaranteed to them. The youth should be directly linked to production process. The disparities between the rural and urban youths should be eliminated gradually. The youth today is facing serious health problems, absolute inadequacy of sports and cultural facilities, etc. A considerable chunk of youth population is still reeling under poverty. A proper policy is required to be put in place for comprehensive and overall development of the youths and proper utilization of their energies. A comprehensive youth policy for all-round development is, therefore, absolutely necessary.

Hence this Bill.

DR. T. SUBBARAMI REDDY

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory and free education and also supply of materials like books, stationery and uniform free of cost and pocket allowance to all the youths. It also provides for free hostel and transport facilities and scholarships to youths. Clause 4 provides for nutritious diet free of cost to all the students in schools, colleges, universities and hostels and medical and healthcare facilities to all the youths. Clause 5 provides for appointment of an expert committee to recommend the type of education that is to be imparted to the youths besides imparting training in modern apprenticeship trades and vocations. Clause 6 provides for employment or unemployment allowance to the youths.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of the Union Territories. The State Governments will incur the expenditure from their respective consolidated fund. An annual recurring expenditure of about rupees five hundred crore is likely to be incurred from the Consolidated Fund of India. A non-recurring expenditure of about rupees seven hundred crore is also likely to be incurred.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of details only, the delegation of legislation power is of a normal character.

**V****BILL NO. XI OF 2016**

*A Bill to prevent the institution or continuance of vexatious proceedings, in civil and criminal matters in the High Courts and Courts subordinate thereto and for matters connected therewith and incidental thereto.*

BE it enacted in the Sixty-Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Vexatious Litigation (Prevention) Act, 2016.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette specify.

Short title,  
extent and  
commencement.

Declaration of a person as a vexatious litigant.

2. (1) An application for declaring a person as a vexatious litigant, may be filed in the appropriate High Courts,—

(a) by the Advocate General or in absence of office of Advocate General, by a Senior Advocate nominated by the High Court in this behalf; or

(b) by the Registrar General of the High Court; or

(c) with the leave of the High Court, by a person against whom another person has instituted or conducted proceedings, civil or criminal.

(2) if, on application having been filed under sub-section (1), the High Court is satisfied that any person has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal, in any court whether against the same person or against different persons, the High Court may, after giving the person who has instituted such proceedings, an opportunity of being heard, declare that person as a vexatious litigant and shall also order as stated under sub-section (1) of section 3:

Provided that if an application is filed by any person referred to in clause (b) or (c) of sub-section (1), the Advocate General or, in the absence of such an officer a Senior Advocate nominated by the High Court in this behalf, as the case may be, shall also be heard on the application.

(3) The Application filed under sub-section (1) shall be heard by the High Court in a Division Bench.

Leave of Court necessary for vexatious litigant to institute or continue any civil or criminal proceedings.

3. (1) Subject to the provisions of sub-section (2) when the High Court under sub-section (2) of section 2 or under sub-section (2) of section 6 declares a person as a vexatious litigant, it shall also order that,—

(a) no proceeding, civil or criminal, shall be instituted by the said person in the High Court or any other Court subordinate to that High Court; and

(b) no proceeding, civil or criminal, if already instituted by the said person in the High Court or any other court subordinate to that High Court, shall be continued by him without obtaining leave of the appropriate Court or appropriate Judge.

(2) It shall not be necessary for the person declared as a vexatious litigant to obtain leave in the following cases:

(a) where such person is instituted a proceeding in the appropriate Court of before the appropriate Judge for the purpose of obtaining leave;

(b) where, in any matter instituted against him, such person proposes to file or take appropriate proceedings to defend himself.

(c) where, in a proceeding instituted or continued by such person after obtaining leave from the appropriate Court or the Judge, the said person proposes to file or take appropriate further proceedings.

*Explanation.*— For this section and for section 5, the "appropriate Court or appropriate Judge" means—

(a) the High Court, in the case of a proceeding proposed to be filed or continued by the person declared as a vexatious litigant in the High Court;

(b) the District and Sessions Judge, in the case of proceeding in any other Court subordinate to the High Court.

(3) Leave under sub-section (1) shall not be granted unless the appropriate Court or the appropriate Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is prima facie ground in the proceedings proposed to be instituted or continued by the person declared as a vexatious litigant.

*Explanation.*—For this section and section 5,—



(a) institution or continuation of civil or criminal proceedings does not include proceedings instituted or continued under Article 226 of the Constitution of India.

(b) institution or continuation of "criminal proceedings" means the commencement or institution or continuation of a proceeding seeking 'prosecution' by filing a complaint before a Criminal Court.

4. (1) A copy of every order made,—

under sub-section (2) of section 2, declaring any person as a vexatious litigant shall be published in the Official Gazette and may also be published in such other manner as the High Court may direct.

Publication  
and  
Communication  
of Order.

(2) Every order referred in sub-section (1) shall also be communicated to all the courts subordinate to the High Court which passed such order.

5. (1) Any proceedings, civil or criminal, instituted or continued in any court by a person against whom an order under sub-section (1) of section 3 has been made without obtaining the leave required to be obtained from the appropriate Court or appropriate Judge, shall be dismissed by the said court.

Proceedings,  
civil or  
criminal,  
instituted or  
continued  
without leave  
of the  
appropriate  
Court to be  
dismissed and  
other  
consequences.

(2) The court while dismissing the proceedings under sub-section (1) shall, in addition, further direct such vexatious litigant to pay costs.

(3) Every person referred to in sub-section (1) who has instituted or continued any proceedings without leave as aforesaid, may also be liable for punishment for contempt of the High Court which had passed the order under sub-section (1) of section 3.

6. (1) Where any person against whom an order under sub-section (1) of section 3 has been made by a High Court, institutes or continues any proceedings, civil or criminal, in another High Court or in a Court subordinate to such High Court, then the person referred to in sub-section (1) of section 2 may make an application to such high Court for declaring such person as a vexatious litigant.

Declaration  
and order by  
more than one  
High Court.

(2) If, on an application filed under sub-section (1), the High Court is satisfied that any person has been declared as a vexatious litigant under sub-section (2) of section 2, by another High Court, the High Court may after giving an opportunity of being heard to the person who has instituted or continued any proceeding, civil or criminal, declare that person as a vexatious litigant and shall also order as stated under sub-section (1) of section 3.

(3) Where an application under sub-section (1) is filed, the provisions of sub-sections (2) and (3) of section 2, and sections 3, 4 and 5 shall apply in relation to such application.

7. The appropriate High Court may frame rules for the purpose of implementing the provisions of this Act.

Power to  
make Rules.

8. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law providing for striking out vexatious pleadings or prevention of abuse of process of law, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any civil or criminal proceeding.

Saving.

## STATEMENT OF OBJECTS AND REASONS

Frivolous and vexatious litigations are the cause of concern for the courts for quite some time. Often, this matter has been highlighted by various courts and the Law Commission as well which favoured for a check on the filing of frivolous and vexatious proceedings. At times, it has been seen that many persons abuse the process of law and indulge in the habitual and intentional filing of frivolous and vexatious civil or criminal proceedings to harass other persons without any reasonable ground. It has also been observed by the courts that some persons habitually and persistently file cases on the issues, which have already been decided once or more than once against some parties or their successors or against different parties. Besides the harassment, filing of such proceedings also leads to wastage of the precious time of the law courts which are already burdened. Such frivolous litigation cause unnecessary and avoidable strain on the States' resources in the area of dispensation of justice.

There is no denying of the fact that every person has right to file civil or criminal proceedings against any other person, but a check is necessary to allow the court to examine the *bona fide* of a person filing the proceeding. Many countries in the world, like the USA, the UK have enacted a law on the filing of frivolous and vexatious litigation. In our country also, there is a law on the subject in two States, *i.e.*, Tamil Nadu and Maharashtra. In view of the concern expressed by the courts, it is necessary that a central law be enacted to prevent the filing of frivolous and vexatious complaints by declaring such a person as vexatious litigant, who may thereafter be barred from filing or continuing any such complaint without the permission of the High Court or the appropriate court. It is also felt that if a person is declared as vexatious litigant, provision should also be made to punish him for the contempt of the court besides directing him to pay the cost.

The Bill seeks to achieve the above objectives.

BHUPENDER YADAV

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the concerned High Court to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only as such the delegation of legislative powers is of normal character.

**VI****BILL NO. XVI OF 2016**

*A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

**1.** (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2016.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 16 of Act 35 of 2009.

**2.** In the Right of Children to free and Compulsory Education Act, 2009, for Section 16, the following shall be substituted, namely:—

Prohibition of expulsion and eligibility for promotion.

“16. (1) No child admitted in a school shall be expelled from school till the completion of elementary education.

(2) A child undergoing elementary education in a school shall be promoted to the next class only on fulfilling the criteria pertaining to attendance in the class and the ability to read, write and understand in such manner as may be prescribed.”

## STATEMENT OF OBJECTS AND REASONS

The Right of Children to Free and Compulsory Education Act, 2009 aims to facilitate the children of the country in acquiring elementary education. For achieving this objective, section 16 of the Act provides for two things, namely, the first that no child undergoing elementary education shall be expelled from the school and secondly that no such child shall be held back in any class.

The later condition that no child shall be held back in any class while undergoing elementary education is, however, not showing healthy results. It is seen that children are routinely being promoted from one class to the higher one without any linkage to the learning they have attained. There are instances where the children's attendance have been very less and consequently, they were not able to learn meaningfully. This defeats the purposes of the Act.

The Bill seeks to lay down some bench mark the fulfilment of which should be made mandatory before a child is elevated to the next higher class while acquiring elementary education.

Hence this Bill.

BHUPENDER YADAV

**VII****BILL NO. XIII OF 2016**

*A Bill further to amend the Representation of the People Act, 1950.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Representation of the People (Amendment) Act, 2016.

Amendment  
of Section 14  
of Act 43 of  
1950.

**2.** In section 14 of Representation of the People Act, 1950, for clause (b), the following clause be substituted, namely,—

"(b) "qualifying date" in relation to preparation or revision of every electoral roll under this part, means 1st day of January of the year in which it is so prepared or revised:

Provided that the "qualifying date" shall be the actual date of birth in respect of the citizens whose names are included for the first time in the electoral roll on completion of eighteen years of age."

## STATEMENT OF OBJECTS AND REASONS

Article 326 of the Constitution of India stipulates that elections to the Lok Sabha and State Assemblies will be on the basis of adult suffrage *i.e.* every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate legislature, shall be entitled to be registered as a voter.

Clause (G) of section 14 of the Representation of the People Act 1950 has stipulated that the "qualifying date" in relation to the preparation or revision of every electoral roll means the 1st day of January of the year in which it is so prepared or revised.

A combined reading of the above two provisions leads to a situation wherein, barring those who were born on 1st January, the rest of the youth have to wait till the 1st January of the year following the year in which he or she was born for getting included in the electoral roll.

This anomaly virtually deprives a substantial proportion of the younger population of its rights to exercise their franchise in the year in which he or she completes eighteen years of age.

This anomaly needs a corrective to be legislated.

Hence this Bill.

RANGASAYEE RAMAKRISHNA

**VIII****BILL NO. XIV OF 2016**

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

**1.** This Act, may be called the Indian Penal Code (Amendment) Act, 2016.

Omission of  
section 309  
of Act 45 of  
1860.

**2.** In the Indian Penal Code, 1860, section 309 shall be omitted.



## STATEMENT OF OBJECTS AND REASONS

As per data collected by National Crime Record Bureau, in 2014, more than 1.3 lakh Indians committed suicide across India. On an average 10.6 suicides were reported per one lakh population. Many states reported a suicide rate going as high as 22. In today's fast developing world suicide is as much a manifestation of various lifestyle disorders as it is an activity resulting out of extreme circumstances. In either of the scenario, the person who is driven to commit suicide must be recipient of care and treatment and not punishment.

For decades the issue of decriminalisation of attempt to commit suicide has been debated and the Law Commission in its 210th report submitted in October 2008, categorically recommended repeal of Section 309 of the Indian Penal Code in order to humanize the criminal justice system. The Commission noted that in 1978, the Council of States had passed a Bill for omission of this section from the Indian Penal Code but the same could not be passed as the House of People dissolved in 1979. The Commission also noted that in those countries of Europe and North America which have decriminalised attempt to commit suicide, suicide rate has not gone up and on the contrary, those with suicidal tendencies are able to receive care and attention.

Therefore, there is no reason why a civilised society should continue to penalise those who are in need of sympathy and care.

Hence this Bill.

HUSAIN DALWAI

**IX****BILL NO. XVII OF 2016**

*A Bill to effectively prevent the caste-based discrimination in educational institutions and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Scheduled Castes and Scheduled Tribes (Prevention of Caste-based Discrimination in Educational Institutions) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "accused" means a person against whom a complaint is made;

(b) "authority of the Educational Institutions" means executive/administrative head of the educational institutions in all streams of education;

(c) "caste-based discrimination" means any action of the authorities of the educational institutions that results in unjust distinction in the treatment to the students, teaching or non-teaching staff, individually or collectively, belonging to the Scheduled Castes or Scheduled Tribes on the basis of caste or tribe;

(d) "educational institutions" means Central or State Universities; Deemed-to-be Universities; Central or State-Government-aided or unaided institutions, research institutions/organizations, government-aided or unaided colleges or training or vocational institutions in all streams of education;

(e) "Enquiry Committee" means the Committee constituted under section 4; and

(f) "*prima facie* evidence" means evidence that could be considered apparently justifiable.

3. A member belonging to the Scheduled Caste or the Scheduled Tribe shall make, in writing, a complaint of any caste-based discrimination, giving a *prima facie* evidence, to the Head of the concerned educational institution about the caste-based discrimination against him.

Complaint of caste-based discrimination.

4. (1) On receipt of such complaint, after duly acknowledging it, the Head of the concerned educational institution shall appoint an Enquiry Committee to investigate into the complaint within two weeks after the receipt of the complaint.

Constitution of Enquiry Committee.

(2) The Enquiry Committee shall consist of,—

(i) the Dean of the Faculty in the case of universities or one of the heads of the departments in case of colleges or a person immediately below the Head in hierarchy in case of all other educational institutions/organisations as the Chairperson;

(ii) a member of the senate or academic council in the case of the universities or a person to be nominated by the Head of the educational institution from amongst the senior teachers of the institution or the senior-most professor or researcher in the case of all other educational institutions;

(iii) a senior professor belonging to the Scheduled Caste nominated by the National Commission for Scheduled Castes;

(iv) a member nominated by the National Commission for Scheduled Tribes; and

(v) a member nominated by the National Human Rights Commission.

(3) The terms and conditions of the members appointed under sub-clauses (iv) and (v) of clause (2) shall be such as may be prescribed.

5. (1) The Enquiry Committee, after duly examining the complaint and recording the evidences submitted by the complainant and after giving the opportunity of being heard to the accused, shall draw its conclusions and submit its report containing the remedial measures including the punishment to the guilty to the Head of the Institution within three weeks from the date of constitution of the Enquiry Committee:

Report of the Enquiry Committee.

Provided if the enquiry could not be completed in three weeks, the Enquiry Committee shall give reasons for not concluding its report within three weeks and shall have to complete the enquiry in the next three weeks.

(2) The Head of the institution shall send a copy of the report to the complainant and the accused within one week from the date of its receipt.

(3) The Head of the institution or the Enquiry Committee while dealing with or examining the complaint shall follow such procedure as may be prescribed.

Appeal  
against report  
of the  
Enquiry  
Committee.

**6.** (1) The aggrieved person shall have the right to appeal against the report of the Enquiry Committee which shall be preferred within a period of thirty days from the date of the receipt of the copy of the report by the aggrieved party.

(2) The appeal shall be heard by the Head of the Institution who shall decide the appeal within a period of thirty days after hearing all the necessary parties including the members of the Enquiry Committee.

(3) The Head of the Institution shall give the final decision in the matter within three weeks from the date of submission of appeal and send the final decision in writing to the complainant and the accused.

(4) The appeal against the decision of the Head of the institution shall be preferred to such authorities and in such manner as may be prescribed.

Punishment  
for commit-  
ting caste-  
based  
discrimina-  
tion.

**7.** (1) Any person found guilty of committing the caste-based discrimination shall be liable to be punished with suspension for a minimum period of six months which may extend upto two years or with fine or with both:

Provided if, the person is found guilty of grave caste discrimination, he shall be punished with termination of services and a copy of the report of Enquiry Committee shall also be sent to local police station for further penal action, if any.

Central  
Government  
to provide  
funds.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf provide adequate funds for carrying out purposes of this Act.

Power to  
make rules.

**9.** The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

The persons belonging to the Scheduled Castes and Scheduled Tribes constitute about one-fourth of the total population of India. Though, their socio-economic conditions have somewhat improved due to various policies adopted by the Government in the post-Independence period, they are still the most vulnerable sections of the Indian society. It is agonising that they continue to be victims of caste-based discrimination in practically every sphere of the country's socio-economic and cultural life.

Such caste-based discrimination in various forms and to varying degrees is rampant in the educational institutions in general; and higher educational institutions, in particular. Of late, the extent and magnitude of such caste-based discrimination has been increasing. Due to the apathetic attitude of concerned educational institutions on the one hand and colossal neglect towards such caste-based discrimination by the Government on the other the victims of discrimination become so desperate that some of them are prompted to commit suicide.

There is a need to effectively and expeditiously address the incidents of the caste-based discrimination specifically in the educational institutions and eliminate it sooner than later.

Hence the Bill.

BHAL CHANDRA MUNGEKAR

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#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Enquiry Committee for investigating into complaints of caste-based discrimination. Clause 8 says that the Central Government after due appropriation by Parliament will provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on this count cannot be estimated at this stage, but has to be worked out by Central Government while implementing the provisions of the Act.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

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SHUMSHER K. SHERIFF,  
*Secretary-General.*